

REMARKS

Headings have been inserted to overcome the objection to the specification, and the abstract has been modified to conform with United States practice, as required by the office action.

Reference numeral 88 has been inserted in Figure 3, as required by the office action.

Claim 1 has been amended to overcome the rejection based on 35 USC 112, paragraph 2.

Claim 1 has also been amended to include the subject matter of claim 2, canceled herewith. Claim 8 has also been canceled to expedite prosecution. Claim 9 has been amended to require the task of the first network element to be completed by using resources at the second network element. The limitation of canceled claim 17 has been added to claim 14.

Claims 21-34 have been added to provide applicants with the protection to which they are deemed entitled. Claims 21 and 22 are similar to claim 1, as amended, but are directed to the first network element, per se, and to the method performed by the first network element, respectively. Claims 23 and 24 are similar to claim 1, as amended, but are directed to the second network element, per se, and to the method performed by the second network element, respectively. Claim 25 is similar to

claim 1, as filed, but includes the additional limitation of completing the task at the first network element by using resources at the second network element, as added to claim 9. Claims 26-30 are the same as claims 3-7, respectively, except that claims 26-30 depend on claim 25. Claims 31 and 32 are similar to claim 25, but are directed to the first network element, per se, and to the method performed by the first network element, respectively. Claims 33 and 34 are similar to claim 25, but are directed to the second network element, per se, and to the method performed by the second network element.

The claims as amended and the newly added claims are not anticipated by or rendered obvious by the art of record.

In the office action, claim 2, now incorporated into claim 1, was rejected as being obvious, under 35 USC 103(a), over Crawley et al., United States patent 5,995,503 and Choudhury et al., United States patent 5,719,854. The office action relies on column 12, lines 19-34 of Choudhury et al. to disclose first and second network elements that negotiate a cost for resources, a limitation the office action admits Crawley et al. does not disclose. However, applicants cannot agree that Choudhury discloses first and second network elements that negotiate a cost for resources. Instead, Choudhury et al. relates to payment for use of resources, but only for payment by customers to a network provider for achieving quality of service (QoS) on

a network. Payment by customers to a network provider for achieving QoS does not relate to, or suggest first and second network elements negotiating a cost for resources. Consequently, claim 1 as amended, as well as claims 3-7 that depend on claim 1 and newly added claims 21-24, distinguish over the art of record.

Claim 9 has been amended to distinguish over the art of record by requiring completion of the task at a first network element by use of resources at a second network element. The newly added feature of claim 9 is disclosed in the application as filed on page 10, lines 4-21. Claim 9 was rejected in the office action as being obvious as result of Crawley et al. in view of Morris et al., U.S. patent publication number 2003/0149794. Clearly neither Crawley et al. nor Morris et al. discloses or makes obvious completion of a task at a first network element by use of resources at a second network element. Claims 10-13, that depend on claim 9, are allowable with amended claim 9. In addition, newly added independent claims 25, 31, 32, 33 and 34, as well as claims 26-30 that depend on claim 25, are allowable over the art of record by requiring the task at the first network element to be completed by using resources at the second network element.

Claim 14 has been amended to include the feature of former claim 17, now canceled. Thus, claim 14, as amended, is directed

to a networked resource sharing protocol including a negotiation phase including an agreement of a cost for the use of shareable resources of a first network element by a second network element. The networked resource sharing protocol also includes discovery and fulfillment phases.

Applicants cannot agree that one ordinary skill the art would have combined Crawley et al. and Choudhury et al. to arrive at the combination of claim 14, as amended. Crowley et al. relates to a "connectionless" network, apparently a network wherein a message contains an address and routing of the message is determined per message on the basis of the address; see column 2, lines 5-8 of Crawley et al.. The Crowley et al. arrangement seeks to route messages in such an environment to achieve good service quality; see column 2, lines 27-33. Crowley intends to achieve this object by advertising information about network nodes (particularly routers) in the network. In particular, Crowley et al. indicates available bandwidth from an advertising router to other routers in the network; see column 4, lines 40-54. Transmitting available bandwidth information allows a calculation to be made to ensure that a QoS requirement is met. Thus, Crowley et al. relates to use of network resource to route messages from end nodes to end nodes.

Choudhury et al. relates to a conventional circuit-switched

telephone network having multiple service grades. Choudhury et al. discusses charging by a service provider for different grades of service, as indicated by the passage identified by the Examiner at column 12, lines 19-34. However, Choudhury et al. has no relevance to the context of a networked resource sharing protocol including a discovery phase, a fulfillment phase and a negotiation phase including an agreement of cost for the use of shareable resources of a first network element by a second network element, as claim 14 defines. In addition, Choudhury et al. has no relevance to the Crowley et al. connectionless network. Consequently, one ordinary of skill in the art would not have modified Crowley et al. as result of Choudhury et al. to arrive at the networked resource sharing protocol that claim 14, as amended, now defines.

In view of the foregoing amendments and remarks, favorable reconsideration and allowance are respectfully requested and deemed in order.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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